

STATE CORPORATION COMMISSION
AT RICHMOND, SEPTEMBER 27, 2005

APPLICATION OF

COMMERCE ENERGY, INC.

CASE NO. PUE-2005-00076

For a license to conduct business
as a competitive service provider
for natural gasORDER FOR NOTICE AND COMMENT

On September 15, 2005, Commerce Energy, Inc. ("Commerce Energy" or "the Company") filed an application with the State Corporation Commission ("Commission") for a license to act as a competitive service provider for natural gas. On September 19, 2005, the Company filed an amendment to its original application. Commerce Energy seeks authority to serve residential, commercial and industrial customers in the retail access program throughout the Commonwealth of Virginia as the Commonwealth opens up to retail access and customer choice. The Company attested that it would abide by all applicable regulations of the Commission as required by 20 VAC 5-312-40 B of the Commission's Rules Governing Retail Access to Competitive Energy Services ("Retail Access Rules").

NOW UPON CONSIDERATION of Commerce Energy's application for a natural gas license, the Commission is of the opinion and finds that Commerce Energy's application should be docketed; that the Commission Staff should conduct an investigation into the reasonableness of the request to become licensed as a competitive service provider and present its findings in a Staff Report; that this Order should be served upon appropriate persons; and that these persons should have an opportunity to comment on Commerce Energy's request to be licensed as a competitive service provider.

Accordingly, IT IS ORDERED THAT:

(1) This application shall be docketed and assigned Case No. PUE-2005-00076.

(2) A copy of the application and supporting documents shall be made available for public inspection in the Commission's Document Control Center, located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, during the Commission's regular hours of operation, between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday.

(3) Any interested person may request a copy of the application, accompanying materials, and this Order by directing a request in writing to the Company, c/o Anthony Cusati, III, 32991 Hamilton Court, Farmington Hills, MI 48334. The Company shall, within three (3) days of receipt of the request, serve the requested documents upon the person making such request.

(4) On or before October 7, 2005, Commerce Energy shall serve a copy of this Order upon each utility listed on Attachment A to this Order.

(5) On or before October 12, 2005, the Company shall file with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P. O. Box 2118, Richmond, Virginia 23218-2118 proof of the notice required in Ordering Paragraph (4) herein.

(6) An original and fifteen (15) copies of any comments on the application shall be filed on or before October 18, 2005, with the Clerk of the Commission at the address identified in Ordering Paragraph (5). Comments must refer to Case No. PUE-2005-00076. Interested persons desiring to submit such comments electronically may do so by following the instructions found on the Commission's website: <http://www.scc.virginia.gov/caseinfo/notice.aspx>. A copy of such comments must also be served on or before October 18, 2005, by first-class mail, or hand-delivered, to the Company, c/o Anthony Cusati, III at the address identified in Ordering Paragraph (3).

(7) The Commission Staff shall analyze the reasonableness of Commerce Energy's application and shall present its findings in a Staff Report to be filed on or before October 21, 2005.

(8) On or before October 28, 2005, the Company and any interested party who filed comments shall file with the Clerk of the Commission an original and fifteen (15) copies of any response it may have to the Staff Report.

(9) The Company shall respond to written interrogatories or data requests within five (5) calendar days after the receipt of the same. Interrogatories and data requests, as well as the responses thereto, shall be transmitted via facsimile as well as by first-class mail. Except as modified herein, discovery shall be in accordance with Part IV of the Commission's Rules of Practice and Procedure, 5 VAC 5-20-10, et seq.

(10) This matter shall be continued generally.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Anthony Cusati, III, Commerce Energy, Inc., 32991 Hamilton Court, Farmington Hills, MI 48334; C. Meade Browder, Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; Craig G. Goodman, President, National Energy Marketers Association, 3333 K Street, N.W., Suite 425, Washington, D.C. 20007; Irene Leech, Virginia Citizens Consumer Council, P.O. Box 12460, Richmond, Virginia 23219; and the Commission's Divisions of Economics and Finance, Energy Regulation, and Public Utility Accounting.